

DECLARATION OF MRS. SUSAN SPRANZA

I, Susan Spranza declare and state as follows:

1. I am the widow of inventor Mr. Joseph J. Spranza, III. My husband was the founder, CEO, and lead project engineer at Special Devices, Inc., Grass Valley, California.
2. My husband, Joseph J. Spranza, III, and Dr. Robert Namba entered an agreement to manufacture improvements to the invention, the Safe Trochar (aka EuTrochar). My husband and Dr. Namba sought patent protection to the improvements to the EuTrochar by filing patents in both of their names. To my knowledge, my husband was the leading force behind filing for patent protection on their invention, and he dealt with all correspondence with the U.S.P.T.O. Exhibit A is a true and correct copy of the Contract of May 17, 2002, between co-inventors Dr. Robert S. Namba and Joseph J. Spranza. The Contract of June 24, 2003 executed by Dr. Namba and Mr. Spranza memorialized the prior May 17, 2002 agreement between Dr. Namba and Mr. Spranza.
3. My husband Joseph J. Spranza, III died on July 9, 2007. A true and correct copy of the State of California Certification of Vital Records dated July 24, 2007 recording the death, is Exhibit E.
4. In December 2008, I spoke to an Examiner at the U.S.P.T.O. in regard to the petition entered in Application '444, and was told that the claims of the April 24, 2006 correspondence had been entered as a new Application '516, and not entered in Application '444.
5. After my husband died all of his estate, including the patent assets subject to the Spranza-Namba-Lia joint development agreement, became part of a contested will and bankruptcy proceeding. From the time of his death until the resolution and settlement of the then

pending bankruptcy proceeding, the patent assets were part of the unsettled Spranza Estate/Bankruptcy Proceeding. Upon an Order of the Trustee's Motion to Approve a Distribution in Kind on March 31, 2008, the patent assets, including the above referenced patent properties, were released to me, Mrs. Susan Spranza, as his widow. A true and correct copy of the Trustee's Motion to Approve a Distribution in Kind of March 31, 2008 is Exhibit F.

6. On May 28, 2008, I received a Notice of Abandonment from the U.S.P.T.O. informing me that Application '444 was abandoned for failure to respond to the Office Action of July 9, 2007. A true and correct copy of the Notice of Abandonment, downloaded from U.S.P.T.O. PAIR on March 8, 2009 is Exhibit G.
7. In a letter dated July 31, 2008, I filed a response to the Notice of Abandonment of May 28, 2008, together with a response to the Office Action of July 9, 2007, as required in the Notice. To respond to the Office Action I re-sent the instructions of August 24, 2006 'instructing the Examiner to cancel claims 1-8, and introduced new claims 9-26, according to my husband's last correspondence. I also sent a petition with supporting documentation to grant me standing to revive the application from abandonment. A true and correct copy of the Petition entered at the U.S.P.T.O. on August 26, 2008, and as downloaded from U.S.P.T.O. PAIR on March 8, 2009, is Exhibit H.
8. On December 6, 2008, I received a Decision on Petition, dismissing the Petition of August 26, 2008. A true and correct copy of the Decision on Petition of December 16, 2008, and as downloaded from U.S.P.T.O. PAIR on March 8, 2009, is Exhibit I.
9. In December 2008, I contacted the law firm of Black Lowe & Graham, PLLC to assist me with reviving and prosecuting Application '444. A true and correct copy to the Executed Power of Attorney, signed by me on January 16, 2009, is Exhibit J.

10. In December 2008, I contacted co-inventor Dr. Robert Namba to inform him of the status of this application, at which time he verbally agreed to grant the power of attorney to Black Lowe & Graham. I gave Attorney Wendy Gombert at Black Lowe & Graham his contact information so that she could contact him directly.

I further declare that all statements that I have made of my knowledge are true, and that all statements made on information and belief are believed to be true. I understand that the making of willfully false statements and the like is punishable by fine or imprisonment under 18 U.S.C. § 1001 and may jeopardize the validity of the application or any patent issuing thereon.

3-18-09
Date


Mrs. Susan Spranza

Enclosures:

- Exhibit A - A true and correct copy of 1. the executed joint development agreement of May 17, 2002 between co-inventors Joseph J. Spranza, III. and Robert S. Namba; and 2. the later contract of June 24, 2003 which therein memorializes the May 17, 2002 agreement as between co-inventors and Joseph J. Spranza, III and Dr. Robert Namba;
- Exhibit B - A true and correct copy of correspondence to U.S.P.T.O. from Applicant dated April 24, 2006, as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit C - A true and correct copy of the Applicant's submission to the U.S.P.T.O. on May 2, 2006 for U.S. Application Serial No. 11/416,516 as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit D - A true and correct copy of the Non-Final Rejection for U.S. Application '444, sent July 9, 2007, as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit E - A true and correct copy of the State of California Certification of Vital Records dated July 24, 2007 recording the death of Joseph J. Spranza, III on July 9, 2007;
- Exhibit F - A true and correct copy of the Trustee's Motion to Approve a Distribution in Kind of March 21, 2008;
- Exhibit G - A true and correct copy of the Notice of Abandonment as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit H - A true and correct copy of the Petition to Revive filed by Applicant on July 31, 2008 as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit I - A true and correct copy of the Decision on Petition of December 16, 2008 as downloaded from U.S.P.T.O. PAIR on March 9, 2009;
- Exhibit J - A true and correct copy of the Power of Attorney document executed by Mrs. Susan Spranza on January 16, 2009 granting authority to Black Lowe & Graham, PLLC.
- Exhibit K - A true and correct copy of the Notice of Acceptance of Power of Attorney from the U.S.P.T.O. dated February 17, 2009.

EXHIBIT A

SPECIAL DEVICES INCORPORATED
PROPRIETARY INFORMATION AGREEMENT

This Agreement is made and entered into as of this 17 May day of 2002, ~~1995~~, between Special Devices Incorporated, a Nevada Corporation with offices at 12493 Old Rough and Ready Hwy, Grass Valley, California 95945, (hereinafter referred to as "SDI") and Robert Nante a _____ (hereinafter referred to as "Robert Nante") for the purposes of protecting patent and proprietary rights of the parties.

WHEREAS, both parties, for their mutual benefit desire that certain information be disclosed to each other pertinent to marketing, sale, and manufacture of certain medical and related instruments including but not limited to those listed in Appendix A:

NOW, THEREFORE, both SDI and _____ agree that any information received by one party from the other, including any information exchanged on or after _____, 199 , shall be governed by the following terms and conditions:

1. In pursuing the aforementioned objective, certain proprietary or company confidential information (hereinafter collectively referred to as "Proprietary Information") within the scope of information listed in Appendix A may be exchanged between _____ and SDI. It is agreed that each party shall clearly identify such Proprietary information when furnishing it to the other party by marking it clearly with words "Proprietary Information" or "Private Data" or equivalent marking in a conspicuous place (e.g., cover face, table of contents, top of page, etc.) Any information not marked as provided above shall not be considered Proprietary Information and shall not be restricted by either party as to the other party's use thereof. Both parties agree that any "Proprietary Information" shall be in writing or if disclosed orally, confirmed in writing within thirty (30) days of such initial disclosure.
2. "Proprietary Information" is defined as information (either written or oral provided it is promptly reduced to writing as set forth in Paragraph 1. above) originated by or peculiarly within the knowledge of the disclosing party, which is not generally available to others and is declared in writing by the disclosing party to be considered Proprietary Information.
3. Each party shall take reasonable precautions to prevent disclosure of Proprietary Information to any person, firm or organization, other than responsible employees with a bona fide need to know. Each party

agrees to instruct all such employees not to disclose to third parties the Proprietary Information received under this Agreement without the prior written permission of the party disclosing such Proprietary Information. Proprietary Information which is exchanged may only be used by the receiving party for the purpose for which it was disclosed. Except as limited below, the obligations and restrictions imposed in this paragraph will survive for a period of three years from the date received.

4. The obligations and restrictions imposed by the preceding paragraph are limited as follows:

A. Neither party shall be liable for disclosure or use of Proprietary Information as provided above which:

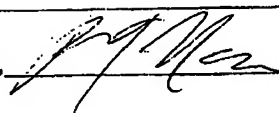
1. was at the time of receipt otherwise known to the party receiving it;
2. has been published or is otherwise within the public knowledge or is generally known to the public at the time of disclosure to the receiving party;
3. which can be demonstrated to have been derived by the receiving party independently of such disclosure;
4. becomes known or available to the receiving party from a source other than the disclosing party, including the Government and without breach of this agreement by the recipient.
5. becomes part of the public domain without breach of this Agreement by the recipient;
6. is disclosed with the written approval of the parties.

B. Neither party shall be liable for the inadvertent or accidental disclosure of Proprietary Information if such disclosure occurs despite the exercise of the same degree of care as such party normally takes to preserve and safeguard its Proprietary Information.

5. Upon the written request of either party, the other party shall return to the disclosing party all documents, materials, drawings, plans, printouts, or other tangible items representing the disclosing party's Proprietary Information and all copies thereof.
6. This Agreement shall continue in force for an initial period of one (1) year from the date first set forth above and for additional periods of like duration, unless ninety (90) days or more prior to the termination of any such period one party informs the other of its desire to terminate this Agreement; however, the parties' obligations

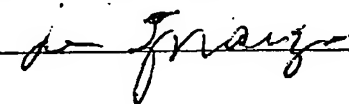
with respect to Proprietary Information received from the other party prior to the termination shall continue for a period of three (3) years from the date such Proprietary Information is received, pursuant to Paragraph 3 hereof.

7. No rights or obligations other than those expressly recited herein are to be implied from this Agreement. In particular, no rights, by license or otherwise, are hereby granted, directly or indirectly, with respect to any Proprietary Information, patent or copyright now held by or which may be obtained by the other party.
8. This Agreement shall be interpreted and governed in all respects by the laws of the State of California, which shall be deemed to be the place this Agreement was made.

By, 

Title: _____

Special Devices Incorporated (SDI)

By, 

Title: _____

APPENDIX A

Contract between Robert S. Namba of Corona Del Mar, CA and Joseph J. Spranza, Grass Valley, CA.

Because it is desired by Robert S. Namba and Joseph J. Spranza to co-develop, patent and sell hardware for use in surgery, both parties agree to work together as partners.

Robert Namba had a concept for a "safe guide" for surgery. He filed a patent application on October 26, 2000 for such a concept. He paid for professional help in preparing the patent application and paid the filing fees. The patent application is Serial Number 09/697,463.

Joseph Spranza is the CEO of Special Devices Incorporated (SDI), a company actively involved in the development, manufacturing and sales of unique surgery hardware.

On May 17, 2002, Spranza and Namba made an agreement to pursue a development of hardware based upon the Namba concept for a "safe guide". Spranza and Namba agreed:

1. Spranza would develop hardware for a "safe guide", (the Namba concept) at the expense of Spranza and SDI.
2. Namba agreed that he and Spranza would be partners in co-filing, as jointly named inventors, a patent for hardware based upon the Namba concept for a "safe guide" and upon developments by Spranza for such an invention.
3. Spranza agreed to file and pay for the patent(s) resulting from the Namba/Spranza joint effort, but not including cost of the Namba filing of October 26, 2000.
4. Spranza would manufacture any resulting products and sell them directly to end users.
5. Spranza would pay a royalty of 9% to Namba for exclusive rights to the concept, where such royalties may be, at Spranza's election, paid in the form of stock in SDI until the development costs are recovered by SDI.

Namba provided Spranza with a copy of the Patent Application S/N 09/697,463. Namba further informed James Hill of Knobbe Martens Olson and Bear LLP (patent attorneys of record) that Spranza was to have access to the patent application and office actions and further that James Hill could speak with Spranza openly about the patent application.

Spranza developed hardware and showed such hardware to Namba on several occasions. Namba has read, understood and signed Spranza's laboratory notebook. Namba liked the hardware and said so. The hardware was unique and patentable in Spranza's mind.

Recently, Namba informed Spranza that the Patent and Trademark Office had issued a "Notice of Allowance" for several claims on the patent application. Spranza called James Hill and was told that the date for response to the latest office action is due 7 July, 2003, and this must include filing a CIP and a Divisional patent application if the original filing date is to be retained.

As part of this Contract, there is a Joint Owner's Agreement, on Page 2 of this Agreement.

Joint Owners' Agreement

This agreement is made by and between the following parties, who, by separate assignment or as joint applicants, own the following respective shares of the invention, patent application or patent identified below.

Robert Namba of Corona Del Mar, CA, 92625 50%

Joseph J. Spranza of Grass Valley, CA, 95945 50%

Invention Title: Safety Guide for Surgical Placement of Sharp Instruments

Patent Application Serial Number: 09/697,463 Filed: October 26, 2000

Applicant: Robert S. Namba

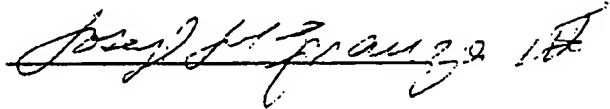
The parties desire to stipulate the terms under which they will exploit this invention and patent application and therefore agree as follows:

1. No action without everyone's consent: None of the parties to this agreement shall license, use, make or sell the invention or application, or take any other action other than normal prosecution, without the written consent and cooperation of the other party to this agreement, except as provided below. Any action so taken shall be committed to a writing signed by both parties, with copies to the other party.
2. Decisions: In case any decision must be made in connection with the invention or the patent application, including foreign filing, appealing from an adverse decision in the Patent and Trademark Office, or any opportunity to license, sell, make, or use the invention or application, the parties shall consult on such opportunity and a majority decision shall control. In the event the parties are equally divided, the matter shall be decided in accordance with Paragraph 5 below. After a decision is so made, all parties shall abide by the decision and shall cooperate fully by whatever means are necessary to implement and give full force to such decision. However, if an offer is involved and there is time for any parties to obtain a better or different offer, they shall be entitled to do so and the decision shall be postponed for up to one month to allow such other parties to act.
3. Proportionate Sharing: Robert Namba will receive all of the Royalties from SDI as stipulated above, from this agreement. Any further License Agreements entered into by this Partnership will be shared proportionally by ownership as presented in Paragraph 4.
4. If Any Parties Desire to Manufacture, Etc; Namba and Spranza agree to execute a License Agreement with SDI to manufacture, distribute, or sell any products or service embodying the above invention. A 9% royalty shall be paid by SDI for the term of the above patent application and any patent which may issue thereon. A copy of the License Agreements with SDI is a part of this agreement. If further License Agreements are

executed the parties agree to negotiate any royalties with Licensee. Such royalty shall be distributed to all of the parties hereto according to their proportionate shares and on a quarterly basis, accompanied by a written royalty report and sent within one month after the close of each calendar quarter.

5. **In Case of Dispute:** In case any dispute, disagreement, or need for any decision arises out of this agreement or in connection with the invention or patent application, and the parties can not settle the matter or come to a decision in accordance with Paragraph 2, above, the parties shall first confer as much as necessary to settle the disagreement, all parties shall act and compromise to at least the degree a reasonable person would act. If the parties can not settle their differences or come to a decision on their own, they shall submit the dispute or matter to mediation and decision by an impartial third party or professional mediator agreed to by all of the parties. If the parties can not agree on a mediator, or can not come to an agreement after mediation, then they shall submit the matter to binding arbitration with a mutually acceptable arbitrator or the American Arbitration Association. The arbitrators shall settle the dispute in whatever manner he or she feels will do substantial justice, recognizing the rights of all parties and commercial realities of the marketplace. The parties shall abide by the terms of the arbitrators' decision and shall cooperate fully and do any acts necessary to implement such decision. The costs of the arbitrator shall be advance by all of the parties or in accordance with Part 3 above and the arbitrator may make any allocation of arbitration costs he or she feels is reasonable.
6. **Non-Frustration:** No party to this Agreement shall commit any act or take any action which frustrates or hampers the rights of another party under this Agreement. Each party shall act in good faith and engage in fair dealing when taking any action under or related to this Agreement.





Date: 6-24-03

6/25/03

Assignment of Invention and Patent Application

For value received, Robert S. Namba of Corona Del Mar, CA 92625 (hereinafter ASSIGNOR) hereby sells, assigns, transfers, and sets over unto Robert S. Namba and Joseph J. Spranza respectively of Corona Del Mar and Grass Valley, CA and their successors or assigns (hereinafter ASSIGNEE) 100% of the following:

(A) ASSIGNOR'S right, title and interest in and to the invention entitled "Safety Guide for Surgical Placement of Sharp Instruments" invented by ASSIGNOR;

(B) the application for United States patent therefor, signed by ASSIGNOR on October 26, 2000, U.S. Patent and Trademark Office Serial Number 09/697,463 filed: October 26, 2000:

(C) any patent or reissues of any patent that may be granted thereon: and

(D) any applications which are continuations, continuations-in-part, substitutes, or divisions of said application.


ASSIGNOR also authorizes and requests the Assistant Commissioner for Patents to issue any resulting patent(s) as follows: 100% to ASSIGNEE.

ASSIGNOR hereby further sells, assigns, transfers, and sets over unto ASSIGNEE, the above percentage of ASSIGNORS entire right, title and interest in and to said invention in each and every country foreign to the United States; and ASSIGNOR further conveys to ASSIGNEE the above percentage of all priority rights resulting from the above-identified application for United States patent. ASSIGNOR agrees to execute all papers, give any required testimony and perform other lawful acts, at ASSIGNEE'S expense, as ASSIGNEE may require to enable ASSIGNEE to perfect ASSIGNEE'S interest in any resulting patent of the United States and countries foreign thereto, and to acquire, hold, enforce, convey and uphold the validity of said patent and reissues and extensions thereof, and ASSIGNEE'S interest therein. In testimony whereof ASSIGNOR has hereunto set its hand and seal to the date below.

State: Calif.

County: Orange

Subscribed and sworn to before me June 24, 2003



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

} ss.

On June 30, 2003 before me, Anne C. Mattison

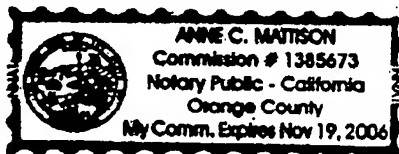
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Robert Namia

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies); and that by his/~~her/their~~ signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Anne C. Mattison
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Assignment of Invention Patent

Document Date: June 24, 2003 Number of Pages: 1

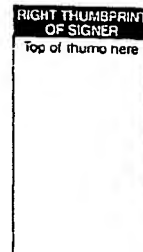
Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____



June 16, 2003

To The Board of Directors
Special Devices, Inc.

It is the intention of Joseph Spranza to form a partnership with Robert S. Namba, MD for the purposes of completing the patent prosecution of a safe sharp. I present below the history of the development, and the rationale for the partnership.

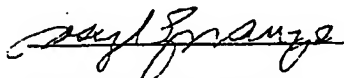
Robert Namba had a concept for a safe guide for surgery. He filed a patent application in October 26, 2000 for such a concept. He paid for professional help in preparing the patent application and paid the filing fees. Namba approached Joseph Spranza in February 2001, as Spranza was representing Special Devices Inc. (SDI) at a professional meeting. At that time, Namba asked if Spranza and SDI would be interested in developing hardware for a marketable product. No agreement was reached. In February 2002, Namba again approached Spranza with the same question. A date was tentatively set and in May 2002, Spranza traveled to southern California and made an agreement with Namba to pursue a development. Spranza and Namba agreed: Spranza would develop hardware for a safe guide, at the expense of SDI. Namba agreed that he would go partners with Spranza in co-filing a joint patent, referred as a "child" to the original filing. Spranza agreed that SDI would file and pay for the child patent. SDI would manufacture any resulting products and sell them directly to end-users. SDI would pay a royalty to Namba for exclusive rights to the concept.

Spranza and other SDI personnel developed hardware and showed such hardware to Namba on several occasions, each time requesting that Namba read and sign Spranza's lab notebook, with date of reading. Namba liked the hardware and said so. The hardware was unique and patentable in Spranza's mind.

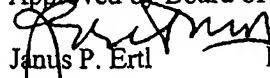
Recently, Namba was notified that Claims on his Patent Application were allowable. It is time to pursue further patent(s). To do this, Namba will assign his patent to a Partnership, "Namba and Spranza": Spranza will write patents and file them in the name of the partnership. The Partnership will grant an exclusive License to SDI for the manufacture and sales of the product of the patent. Namba will be paid a royalty of 9% for his participation. Spranza will not receive royalties.

Spranza is presenting this to the Board of Directors for approval. It is essentially the same agreement pursued with others. People file patents. Companies license such patents.

Approved by Board of Directors, SDI



Joseph Spranza, abstain



Janus P. Ertl

Date

6-18-03

William C. Allen

Date

Keith A. Harris

Date

Dated June 16, 2003

cc: James D. Lia Esq.

Daniel R. Benson

Date

SPECIAL DEVICES INCORPORATED

1045 ... and Ready Hwy, Grass Valley, CA 95945

TEL: (916) ... FAX: (916) 705683 e-mail: specialdev@specialdev.com

June 16, 2003

To The Board of Directors
Special Devices, Inc.

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Approved by Board of Directors, SDI

Joseph Spranza, abstain

Dated 7/11/03

Janus P. Ertl Date

William C. Allen Date

Keith A. Harris Date

cc: James D. Lia Esq.

Daniel R. Benson Date

SPECIAL DEVICES INCORPORATED

12493 Old Rough and Ready Hwy. Grass Valley, CA 95945

Tel. 530/273-6763 Fax 530/477-0583 e-mail = specialdevicesmed.com

EXHIBIT B

16367 U.S. PTO
050206

113009 U.S. PTO
11/416516
050206

In The United States Patent and Trademark Office

Mailed on April 24, 2006

Assistant Commissioner for Patents

Washington, District of Columbia 20231

Sir:

Please file the following enclosed patent application papers:

Applicant #1 Name. Joseph J. Spranza

Applicant #2 Name Robert S. Namba

Title: Safe Trochar with Guide for Placement of Surgical Drains

This is a Continuation in Part application for

"Safety Guide for Surgical Placement of Sharp Instruments",

Originally filed October 26, 2000

Serial Number 09/697-463, issued as Patent Number 6,613,039

Divisional Application filed July 03, 2003, Serial Number 10/613'387

Please cancel all Claims (numbers 1 through 8) and substitute the enclosed new Claims (numbers 9 through 26).

These new Claims have been mailed before the First Office Action.

Yours respectfully,

Joseph J. Spranza

12493 Old Rough and Ready Hwy.

Grass Valley, CA 95945

Robert S. Namba
Robert S. Namba

321 Milford Dr.

Corona del Mar, CA 92625

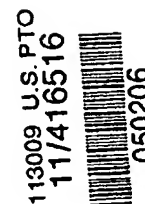
Mail Label

Date of Deposit April 24, 2006

Signed

Joseph J. Spranza

EXHIBIT C



In The United States Patent and Trademark Office

Mailed on April 24, 2006

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Sir:

Please file the following enclosed patent application papers:

Applicant #1 Name. Joseph J. Spranza

Applicant #2 Name Robert S. Namba

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Yours respectfully,

Joseph J. Spranza
12493 Old Rough and Ready Hwy.
Grass Valley, CA 95945


Robert S. Namba
321 Milford Dr.
Corona del Mar, CA 92625

Mail Label

Date of Deposit April 24, 2006

Signed



The Claims: We claim:

- 9 (new). In the field of Surgery, a surgical trochar suitable for coupling to guide means, comprising :
 an elongate rod having a first end which is sharp pointed, and
 a second end with tubing attachment means, and wherein
 said second end also has indexing means.
- 10 (new). The surgical trochar of Claim 9, wherein said rod is bent such that said first end is at an angle to said second end.
- 11(new). The surgical trochar of Claim 10 wherein said indexing means has an axis perpendicular to linear axis of said second end and coplanar with the plane of said bend.
- 12 (new). The surgical trochar of Claim 11 wherein said indexing means is a groove.
- 13 (new). The surgical trochar of Claim 9 wherein a rigid sheath is locked onto said first end, thereby protectively covering said sharp point.
- 14 (new). The surgical trochar of Claim 13, wherein said sheath has releasable locking means of attachment to trochar rod.
- 15(new). The surgical trochar of Claim 14 wherein said releasable locking means is a planar element with a hole into which locks said trochar rod.
- 16(new). The surgical trochar of Claim 13, wherein said sheath is substantially cylindrical, with index means relative to axis of rotation about linear axis.
- 17(new). The surgical trochar of Claim 13 wherein said sheath has locking means for attachment to guide means.
- 18(new) A guide for installing a surgical trochar comprising:

a first end having receiver means for said surgical trochar, a second end having holder means for securing thereto said surgical trochar in all degrees of freedom, and;

connecting means wherein said first end and said second end are guided in continuous mutual alignment such that the sharp end of said trochar will follow a specified line from within said first end to a point distal from first end and then back again into the first end when said guide is actuated.

- 19(new). The guide of Claim 18 wherein said receiver means is positioned to support tissue while being pierced by trochar.
- 20(new). The guide of Claim 18 wherein said receiver means has pivot means such that said surgical trochar may be angled, thereby providing optimal handle leverage for pulling said trochar and tubing through tissue.
- 21(new). The guide of Claim 18 wherein said holder means has a plurality of articulated elements suitable for accepting said surgical trochar between them when in an open attitude and alternately forcing the trochar into a predetermined aligned position with said receiver means when in a closed attitude, and wherein holder means is suitably strong so as to hold trochar against forces required for piercing tissue.
- 22(new). The guide of Claim 18 wherein said receiver means and said holder means are conjoined by telescoping connecting means.
- 23(new). The guide of Claim 22 wherein said telescoping alignment means has a controlling means over said telescoping means, which controlling means provides priority to receiver means over holder means.
- 24(new). The guide of Claim 18 wherein said surgical trochar is releasable from said holder means if and only if trochar point is inside of said receiving means.

25(new). The guide of Claim 18 wherein said surgical trochar is unlockable from said receiver means one time only, following which first time, complete removal of surgical trochar from said guide is required, whereby the combination of trochar and guide provide quick, simple hardware for insertion of surgical drains with only one hand required, while fingers are a safe distance away from insertion and exit location of sharp point of trochar and further, whereby a trochar may not be used two times in succession.

26(new). In the area of surgery a method for installing surgical drain tubing, comprising the steps of:

providing

a surgical trochar comprising :

an elongate rod having a first end with a sharp point,
a second end with tubing attachment means, and
wherein said second end also has indexing means, and
further where
said first end has a protective sheath, and

a guide for installing said surgical trochar, comprising:

a first end with receiver means for the surgical trochar,
and a second end with holder means for securing the
surgical trochar in all degrees of freedom, and
connecting means wherein;
said first end and said second end are guided in
continuous mutual alignment such that sharp end of
said trochar will follow a specified line from within
said first end to a point distal from first end and then
back again into the first end when said guide is
actuated.

inserting said first end of surgical trochar into said receiver means of said guide and installing said second end of surgical trochar into said holder means of said guide and,
actuating said connecting means such that trochar sharp point is available and further,
placing sharp point of trochar at desired point of entry into tissue and placing receiver means over location of desired exit of trochar from tissue and then reversing actuation of connecting means, thus piercing tissue, and further,
releasing holder means, thus causing receiver means to pivot such that guide assumes an angle suitable for pulling surgical trochar and tubing through tissue, and,
pulling guide so as to advance trochar and tubing the desired distance through tissue, and,
cutting drain tubing, and lastly,
rotating guide further, such that receiving means releases surgical trochar with protective sheath, for disposal,
thereby to install surgical drain tubing, quickly easily and without the need to place fingers near trochar sharp point and further without the need to use additional instruments to pull trochar through tissue, and yet further to use only one hand and still further to ensure that trochar is used only one time.

EXHIBIT D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,444	10/29/2003	Joseph J. Spranza		7974

7590 07/09/2007
Joseph J. Spranza
12493 Old Rough and Ready Hwy.
Grass Valley, CA 95945

EXAMINER

THANH, LOAN H

ART UNIT	PAPER NUMBER
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3763

MAIL DATE	DELIVERY MODE
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07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,444		Applicant(s) SPRANZA ET AL.	
	Examiner LoAn H. Thanh		Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 29 October 2003.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: It is the Examiner's position that Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore the Examiner requires the Applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP 608.01(o) to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, and acts perform the function recited in the claim element. Please note that the MPEP clearly states, "Even if the disclosure implicitly sets forth the structure, materials, or acts corresponding to the means-(or step-) plus-function claim element in compliance with 35 U.S.C. 112, first and second paragraphs, the PTO may still require the applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP 608.01(o)...". (Also see **MPEP 2181** (Rev. 1, Feb.2000)) *Wolfensperger*, 302 F.2d at 955, 133 USPQ at 542.

Appropriate correction is required.

Claim Objections

Claims 1-6,8 are objected to because of the following informalities: It is the Examiner's position that Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore the Examiner has objected to the claims for the reasons set forth above in the objection to the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it is unclear whether applicant is intending to positively claim the indexing means since it is a part of the functional limitation. For purposes of art rejection, the indexing means is not considered positively claimed.

Claim 6 is vague and indefinite because it is unclear what applicant is intending to claim. There are no further limitations and the claim appears to be incomplete. (For example, "wherein said" in line 1 of the claim ends abruptly) .

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Villegas (US 2581564).

Villegas discloses a surgical trochar/device having an elongated rod having a sharp end at the distal end thereof and a second with means to connect to a tube and the second having a recess (shown in figures 1-5). The rod is considered bent as shown in figures 4-5.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda (US 4,345,604).

With respect to claims 1-6,8, Fukuda discloses an elongate rod 13 having a sharp end and second end with a recess and means to connect a tube 11. the rod is bent and a sheath 15 provides a covering for the sharp point. The sheath locking means is considered the tapered lumen at 16 which holds the rod. See figures 1-5, 9-13. With respect to the method claim 8, the sheath provides protection to the surgery personnel.

With respect to claim 7, the guide is considered shown figure 8. The device has a receiver at one end and a second end attached to the arm 27 or the holder 18 is attached to the second end. As shown in figure 1 .

The Examiner has interpreted the claim limitation in the broadest interpretation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (571) 272-4966. The examiner can normally be reached on Mon-Fri (first Friday off).

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Art Unit: 3763

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LoAn H. Thanh/

LoAn H. Thanh
Primary Examiner
Art Unit 3763

LT

EXHIBIT E

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

COUNTY OF PLACER

Auburn, California 95603

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
3200731001533			
<p align="center">CERTIFICATE OF DEATH</p> <p align="center">USE BACK OR ONLY FOR AVAILABLE VITALITY OR ALTERNATE</p>			
1. NAME OF DECEASED - FIRST (Given)		2. LAST (Surname)	
JOSEPH		SPRANZA III	
3. MIDDLE			
JOHN			
4. DATE OF BIRTH (month/day/year)			
05/28/1938			
5. AGE (Years)			
69			
6. SEX			
M			
7. DATE OF DEATH (month/day/year)			
07/09/2007			
8. HOUR (24 hour)			
0115			
9. BIRTH STATE/PROVINCE/COUNTRY		10. SOCIAL SECURITY NUMBER	
NJ		456-58-1181	
11. DECEASED'S MARITAL STATUS (Date of Death)		12. DECEASED'S RACE (Up to 3 lines may be used (see instructions on back))	
MARRIED		WHITE	
13. DECEASED'S OCCUPATION (Type of work for most of life, DO NOT USE RESERVE)		14. YEARS IN OCCUPATION	
DEVELOPER		45	
15. DECEASED'S RESIDENCE (Street and number or location)			
12493 OLD ROUGH AND READY HIGHWAY			
16. CITY		17. COUNTY/PROVINCE	
GRASS VALLEY		NEVADA	
18. ZIP CODE		19. YEARS IN COUNTY	
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CALIFORNIA		MARRIED	
22. DECEASED'S MARITAL STATUS (Date of Death)			
12493 OLD ROUGH & READY HWY, GRASS VALLEY, CA			
23. NAME OF SPOUSE - FIRST		24. LAST (Surname)	
SUSAN		ELGEN	
25. NAME OF FATHER - FIRST		26. LAST	
JOSEPH		SPRANZA JR	
27. NAME OF MOTHER - FIRST		28. LAST	
ELIZABETH		DROST	
29. DATE OF DEATH		30. PLACE OF DEATH	
07/15/2007		UCSF WILLED BODY PROGRAM	
31. TYPE OF DEATH		32. SIGNATURE OF DECEASED	
SU		NOT EMBALMED	
33. NAME OF FUNERAL ESTABLISHMENT		34. SIGNATURE OF LOCAL REGISTRAR	
UCSF WILLED BODY PROGRAM		RICHARD J. BURTON, MD	
35. PLACE OF DEATH		36. DATE	
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37. CITY		38. COUNTY/PROVINCE	
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METASTATIC CANCER OF UNKNOWN PRIMARY			
42. CAUSE OF DEATH (List all causes of death, including immediate, intermediate, and remote causes. DO NOT write "natural causes" or "old age". DO NOT abbreviate.)			
RENAL FAILURE, LIVER FAILURE			
43. DATE OF OPERATION/PROCEDURE/EXAMINATION (If not applicable, leave blank)			
CT LIVER BIOPSY 08/15/2007			
44. SIGNATURE AND TITLE OF CERTIFIER		45. SIGNATURE AND TITLE OF LOCAL REGISTRAR	
LARS JAKOB JAKOBSEN M.D.		RICHARD J. BURTON, MD	
46. DATE		47. DATE	
06/24/2007		07/12/2007	
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286. OCCUPATION		287. OCCUPATION	
DEVELOPER		DEVELOPER	
288. YEARS IN OCCUPATION		289. YEARS IN OCCUPATION	
45		45	
290. RESIDENCE		291. RESIDENCE	
12493 OLD ROUGH AND READY HIGHWAY		12493 OLD ROUGH AND READY HIGHWAY	
292. CITY		293. CITY	
GRASS VALLEY		GRASS VALLEY	
294. COUNTY/PROVINCE		295. COUNTY/PROVINCE	
NEVADA		NEVADA	
296. ZIP CODE		297. ZIP CODE	
95845		95845	
298. YEARS IN COUNTY		299. YEARS IN COUNTY	
19		19	
300. STATE/PROVINCE/COUNTRY		301. STATE/PROVINCE/COUNTRY	
CALIFORNIA		CALIFORNIA	
302. DATE OF DEATH		303. DATE OF DEATH	
07/09/2007		07/09/2007	
304. HOUR		305. HOUR	
0115		0115	
306. SEX		307. SEX	
M		M	
308. RACE		309. RACE	
WHITE		WHITE	
310. OCCUPATION		311. OCCUPATION	
DEVELOPER		DEVELOPER	
312. YEARS IN OCCUPATION		313. YEARS IN OCCUPATION	
45		45	
314. RESIDENCE		315. RESIDENCE	
12493 OLD ROUGH AND READY HIGHWAY		12493 OLD ROUGH AND READY HIGHWAY	
316. CITY		317. CITY	
GRASS VALLEY		GRASS VALLEY	
318. COUNTY/PROVINCE		319. COUNTY/PROVINCE	
NEVADA		NEVADA	
320. ZIP CODE		321. ZIP CODE	
95845		95845	
322. YEARS IN COUNTY		323. YEARS IN COUNTY	
19		19	
324. STATE/PROVINCE/COUNTRY		325. STATE/PROVINCE/COUNTRY	

EXHIBIT F

2004-25484
FILED
April 01, 2008
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0001147089

2
1 Michael F. Burkart, Chapter 7 Trustee
5150 Fair Oaks Blvd., #101-185
2 Carmichael, CA 95608
Tel: (916) 485-0412
3 E-mail: burkart@cwo.com

4
5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF CALIFORNIA
7 SACRAMENTO DIVISION
8

9
10 In re:

11 JOSEPH J. SPRANZA,

12 Debtor.
13

Case No. 04-25484-A-7

DCN: MFB - 6

DATE: March 31, 2008

TIME: 9:00 A.M.

DEPT: A

COURTROOM: 28 (7th Floor)

14
15 ORDER ON TRUSTEE'S MOTION TO APPROVE A DISTRIBUTION IN KIND
16 TO THE SOLE REMAINING CREDITOR

17 The Motion of Michael F. Burkart, being the duly appointed Chapter 7 Trustee (the "Trustee")
18 in the above-captioned case of Joseph J. Spranza (the "Debtor"), requesting an order authorizing the
19 distribution in kind concerning the personal property held under the Bankruptcy Estate, was heard
20 pursuant to this Court's regular Law and Motion calendar on March 31, 2008. The Trustee appeared
on his own behalf at the hearing. Other appearances were noted on the record.

21 There was no opposition filed nor argued at the hearing with regard to the Trustee's Motion
22 requesting an authorization of the distribution in kind of the remaining Personal Property.

23 The Court, having duly considered the Trustee's Motion and the Court's file herein, and good
cause appearing therefor, ordered as follows:

24 IT IS HEREBY ORDERED THAT:

25 A. The Trustee's Motion for an order authorizing the distribution in kind concerning the
26 remaining Personal Property held under the Bankruptcy Estate is granted.

RECEIVED
April 01, 2008
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0001147089

1 B. The Trustee is authorized to distribute the remaining Personal Property of the Estate to
2 Susan Spranza as provided under Proof of Claim No. 8, filed on January 24, 2008.

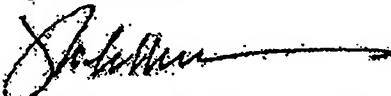
3 C. Immediately upon entry of this order, the following described Personal Property of the
4 Estate shall be distributed in kind to Susan Spranza:

- 5 • Stock ownership in Special Devices, Inc.(SDI)
- 6 • Special Devices owes past due wages
- 7 • Special Devices owes personal loans
- 8 • Misc. Patents:
 - 9 a) Personal patent (promised to be assigned to SDI) - Flexi
 - 10 b) Shared patent (promised to be assigned to SDI) - AFRS, TOB
 - 11 c) Co-owned (licensed to SDI) - Safe Trochar
 - 12 d) 3rd party ownership (licensed to SDI) - Bone Biopsy
 - 13 e) Patent application (to be assigned to SDI) - Trephine
- 14 • 1980 Rolls Royce Camargue
- 15 • Moto Guzzi motorcycle
- 16 • 1957 Alfa Romeo Spider
- 17 • 1980 Maserati Quattro Porte
- 18 • 1991 Chrysler TC
- 19 • Misc. equipment used exclusively by SDI

20 D. The Trustee is authorized to execute any and all documents necessary to complete the
21 distribution of the remaining Personal Property of the Estate.

22 Dated: 01 April, 2008

By the Court



Michael S. McManus, Chief Judge
United States Bankruptcy Court

EXHIBIT G



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,444	10/29/2003	Joseph J. Spranza		7974

7590 05/28/2008
Joseph J. Spranza
12493 Old Rough and Ready Hwy.
Grass Valley, CA 95945

EXAMINER

KOHARSKI, CHRISTOPHER

ART UNIT	PAPER NUMBER
----------	--------------

3763

MAIL DATE	DELIVERY MODE
-----------	---------------

05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)	
	10/697,444	SPRANZA ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER D. KOHARSKI	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 July 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763

/Christopher D Koharski/
Examiner, Art Unit 3763

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT H



IFW

July 31, 2008

U.S. Patent and Trademark Office
Commissioner of Patent and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner of Patent and Trademarks:

I am requesting Standing. My husbands name was Joseph J. Spranza III.

Joe had several patent and patent applications. The specific issue I am presently working on is application # 10/697,444. I believe this is a Continuation in Part to patent # 9.697.463. The Continuation in Part is referred to as Safe Trochar with Guide for Placement of Surgical Drains.

These application needs to be revived and I understand that I need standing in order to do this.

I have enclosed the Court Order signed and given to me by the federal Judge and in this instance referred to as Saf-Trochar, also, a copy of Joe's Death Certificate.

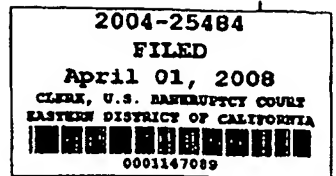
If you need any additional information please advise me as soon as possible, as I am working on the revival paperwork as we write.

Thank you,

Susan Spranza
12493 Old Rough and Ready Hwy
Grass Valley, California 95945

Phone 916/300-1320
Or Phone 530/273-1987

Enclosed 3pages



2
1 Michael F. Burkart, Chapter 7 Trustee
2 5150 Fair Oaks Blvd., #101-185
3 Carmichael, CA 95608
4 Tel: (916) 485-0412
5 E-mail: burkart@cwo.com

6 UNITED STATES BANKRUPTCY COURT
7 EASTERN DISTRICT OF CALIFORNIA
8 SACRAMENTO DIVISION
9

10 In re:

11 JOSEPH J. SPRANZA,

12 Debtor.
13
14

Case No. 04-25484-A-7

DCN: MFB - 6

DATE: March 31, 2008

TIME: 9:00 A.M.

DEPT: A

COURTROOM: 28 (7th Floor)

15 ORDER ON TRUSTEE'S MOTION TO APPROVE A DISTRIBUTION IN KIND
16 TO THE SOLE REMAINING CREDITOR

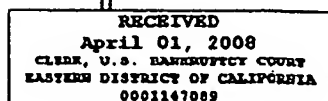
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1 B. The Trustee is authorized to distribute the remaining Personal Property of the Estate to
2 Susan Spranza as provided under Proof of Claim No. 8, filed on January 24, 2008.

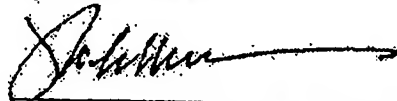
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 - 12 d) 3rd party ownership (licensed to SDI) - Bone Biopsy
 - 13 e) Patent application (to be assigned to SDI) – Trephine
- 14 • 1980 Rolls Royce Camargue
- 15 • Moto Guzzi motorcycle
- 16 • 1957 Alfa Romeo Spider
- 17 • 1980 Maserati Quattro Porte
- 18 • 1991 Chrysler TC
- 19 • Misc. equipment used exclusively by SDI

20 D. The Trustee is authorized to execute any and all documents necessary to complete the
21 distribution of the remaining Personal Property of the Estate.

22 Dated: 01 April, 2008

23 By the Court

24 

25 Michael S. McManus, Chief Judge
26 United States Bankruptcy Court

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF PLACER

Auburn, California 95603

CERTIFICATE OF DEATH

3200731001533

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		3. LAST (Surname)	
JOSEPH		SPRANZA III	
2. MIDDLE		4. DATE OF BIRTH	
JOHN		05/28/1938	
5. AGE YRS.		6. SEX	
69		M	
7. DATE OF DEATH			
07/09/2007			
8. HOUR (24 Hours)			
0115			
9. BIRTH STATE/FOREIGN COUNTRY		10. SOCIAL SECURITY NUMBER	
NJ		456-58-1181	
11. EVER IN U.S. ARMED FORCES?		12. MARITAL STATUS (at time of death)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		MARRIED	
13. DECEASED BY (Medical Certificate or other cause)		14. DECEASED RACE - (Up to 3 words may be listed (see instructions on back))	
DOCTORATE		WHITE	
15. TYPE OF DEATH (Type of death for death of 100. DO NOT USE RETIREMENT)		16. KIND OF BUSINESS OR INDUSTRY (e.g., primary place, road construction, employment agency, etc.)	
DEVELOPER		MEDICAL INSTRUMENTS	
17. DECEASED'S RESIDENCE (Street and number or location)		18. YEARS IN OCCUPATION	
12493 OLD ROUGH AND READY HIGHWAY		45	
19. CITY		20. COUNTY/PROVINCE	
GRASS VALLEY		NEVADA	
21. ZIP CODE		22. YEARS IN COUNTRY	
95945		19	
23. STATE/FOREIGN COUNTRY		24. DECEASED'S BIRTH ADDRESS (Street and number or other place of birth, if known, ZIP Code, State)	
CALIFORNIA		12493 OLD ROUGH & READY HWY, GRASS VALLEY, CA 95945	
25. NAME OF SURVIVING SPOUSE - FIRST		26. MIDDLE	
SUSAN		MARGARET	
27. LAST (Surname)		28. BIRTH STATE	
ILLGEN		NJ	
29. NAME OF FATHER - FIRST		30. MIDDLE	
JOSEPH		JOHN	
31. LAST		32. BIRTH STATE	
SPRANZA JR		NJ	
33. NAME OF MOTHER - FIRST		34. MIDDLE	
ELIZABETH		DROST	
35. LAST		36. BIRTH STATE	
DROST		NJ	
37. DECEASED'S DATE OF BIRTH		38. PLACE OF FINAL DISPOSITION	
07/15/2007		UCSF WILLED BODY PROGRAM, 513 PARNASSUS, SAN FRANCISCO, CA 94143-0802	
39. TYPE OF DISPOSITION		40. SIGNATURE OF EMPLOYER	
SU		NOT EMBALMED	
41. NAME OF FUNERAL ESTABLISHMENT		42. LICENSE NUMBER	
UCSF WILLED BODY PROGRAM		NONE	
43. SIGNATURE OF LOCAL REGISTRAR		44. DATE	
RICHARD J. BURTON, MD		07/12/2007	
45. PLACE OF DEATH		46. IF HOSPITAL, SPECIFY ONE	
SUTTER AUBURN FAITH HOSPITAL		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
47. COUNTY		48. CITY	
PLACER		AUBURN	
49. STREET AND NUMBER		50. ZIP CODE	
11815 EDUCATION ST		95603	
51. CAUSE OF DEATH		52. WEEK	
METASTATIC CANCER OF UNKNOWN PRIMARY		WEEK	
53. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATING TO THE UNDERLYING CAUSE GIVEN IN 51		54. IF REMAINS PRESENT AT LAST MARY	
RENAL FAILURE, LIVER FAILURE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
55. HAS OPERATION PERFORMED FOR NOTIFICATION OF DEATH? (If yes, list type of operation and date)		56. IF REMAINS PRESENT AT LAST MARY	
CT LIVER BIOPSY 06/15/2007		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
57. SIGNATURE AND TITLE OF CERTIFIER		58. LICENSE NUMBER	
LARS JAKOB JAKOBSEN M.D.		G77318	
59. TYPE ATTENDING PHYSICIAN'S NAME, ADDRESS, OF CODE		60. DATE	
LARS JAKOB JAKOBSEN M.D., 3111 PROFESSIONAL DRIVE, AUBURN, CA 95603		07/12/2007	
61. TYPE OF DEATH (Type of death for death of 100. DO NOT USE RETIREMENT)		62. HOURS AT WORK	
DOCTORATE		YES	
63. PLACE OF DEATH (e.g., home, construction site, medical care, etc.)		64. INJURY DATE	
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)		65. HOUR (24 Hours)	
125. LOCATION OF INJURY (Street and number, or address, and city, and ZIP)		66. INJURY DATE	
126. SIGNATURE OF CORONER / DEPUTY CORONER		67. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
127. DATE		68. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER		69. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA
COUNTY OF PLACER

DATE ISSUED

07/24/2007

000236391

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Placer County Health and Human Services Department.

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

Richard J. Burton, M.D.
HEALTH OFFICER AND LOCAL REGISTRAR



08-28-08

115m DAE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/84 (08-08)

Approved for use through 08/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Joseph J. SpranzaApplication No.: 10/697-444Art Unit: 3763Filed: 10/29/03

Examiner:

Title: Safe Trochan with Guide for
Placement of Surgical DrainsChristopher Koharski

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

☐ has been filed previously on 08/28/2008 LTRUONG 00000026 10697444
☐ is enclosed herewith. 01 FC:2453 770.00 DP

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Susan Spranza
Signature

8/26/08
Date

SUSAN SPRANZA
Typed or printed name

Registration Number, if applicable

12493 Old ROUGH & READY HWY
Address

916/300-1320
Telephone Number

GRASS VALLEY, CA 95945
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

AUGUST 26, 2008
Date

Susan Spranza
Signature
SUSAN SPRANZA
Typed or printed name of person signing certificate



Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



August 25, 2008

Commissioner of Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 20213

Dear Sir:

We acknowledge that the Continuation-in-Part application for "Safety Guide for Surgical Placement of Sharp Instruments" Serial No. 10/697,444 has been abandoned.

It is our intention to revive this application; however, the last office action is directed to claims 1-8 which were previously cancelled by our letter dated April 24, 2006. That letter included an attachment with new claims 9-26 substituted for those cancelled claims. That letter and its attachment are enclosed.

It appears that the Patent office does not have this letter of April 24, 2006 and its attachment. Enclosed is a copy of a returned postcard dated on or about 4/24/06 showing that the above mentioned letter was sent to and received by the Patent Office.

In revival of an abandoned application any outstanding Office Action must be responded to, but the wrong claims have been rejected by the Patent Office, therefore, either a new Office Action is required for claims 9-26 or we need to revive without responding to the Office Action.

We are requesting any action not be made final, as we will need to respond to any new office action.

A letter of request for Standing, as wife of my deceased husband Joseph John Spranza III, is enclosed herewith.

Sincerely,

Susan M. Spranza,
Widow of Joseph John Spranza III
12493 Old Rough and Ready Hwy
Grass Valley, CA 95945
Phone: 916/300-1320



In The United States Patent and Trademark Office

Mailed on April 24, 2006

Assistant Commissioner for Patents

Washington, District of Columbia 20231

Sir:

Please file the following enclosed patent application papers:

Applicant #1 Name. Joseph J. Spranza

Applicant #2 Name Robert S. Namba

Title: Safe Trochar with Guide for Placement of Surgical Drains

This is a Continuation in Part application for

"Safety Guide for Surgical Placement of Sharp Instruments",

Originally filed October 26, 2000

Serial Number 09/697-463, issued as Patent Number 6,613,039

Divisional Application filed July 03, 2003, Serial Number 10/613'387

Please cancel all Claims (numbers 1 through 8) and substitute the enclosed new Claims (numbers 9 through 26).

These new Claims have been mailed before the First Office Action.

Yours respectfully,

Joseph J. Spranza

12493 Old Rough and Ready Hwy.

Grass Valley, CA 95945

Robert S. Namba

321 Milford Dr.

Corona del Mar, CA 92625

Mail Label

Date of Deposit April 24, 2006

Signed

7005 2570 0000 5238 1203

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.88



04/24/2006

Sent To	Assistant Comptroller
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	Washington DC 20031

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Assistant Commissioner
US for Patents
PO #145P
~~Washington, DC~~
ALEXANDRIA, VA 22313*

2. Article Number

7005 2570 0000 5238 1203

(Transfer from service)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



AUG 26 2008

Office Action Summary

Application No.

10/697,444

Applicant(s)

SPRANZA ET AL.

Examiner

LoAn H. Thanh

Art Unit

3763

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,444	10/29/2003	Joseph J. Spranza		7974

7590 07/09/2007
Joseph J. Spranza
12493 Old Rough and Ready Hwy.
Grass Valley, CA 95945

EXAMINER

THANH, LOAN H

ART UNIT PAPER NUMBER

3763

MAIL DATE DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: It is the Examiner's position that Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore the Examiner requires the Applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP 608.01(o) to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, and acts perform the function recited in the claim element. Please note that the MPEP clearly states, "Even if the disclosure implicitly sets forth the structure, materials, or acts corresponding to the means-(or step-) plus-function claim element in compliance with 35 U.S.C. 112, first and second paragraphs, the PTO may still require the applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP 608.01(o)...". (Also see MPEP 2181 (Rev. 1, Feb.2000)) *Wolfensperger*, 302 F.2d at 955, 133 USPQ at 542.

Appropriate correction is required.

Claim Objections

Claims 1-6,8 are objected to because of the following informalities: It is the Examiner's position that Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore the Examiner has objected to the claims for the reasons set forth above in the objection to the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8 are rejected under 35 U.S.C. 112; second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it is unclear whether applicant is intending to positively claim the indexing means since it is a part of the functional limitation. For purposes of art rejection, the indexing means is not considered positively claimed.

Claim 6 is vague and indefinite because it is unclear what applicant is intending to claim. There are no further limitations and the claim appears to be incomplete. (For example, "wherein said" in line 1 of the claim ends abruptly).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Villegas (US 2581564).

Villegas discloses a surgical trochar/device having an elongated rod having a sharp end at the distal end thereof and a second with means to connect to a tube and the second having a recess (shown in figures 1-5). The rod is considered bent as shown in figures 4-5.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda (US 4,345,604).

With respect to claims 1-6,8, Fukuda discloses an elongate rod 13 having a sharp end and second end with a recess and means to connect a tube 11. the rod is bent and a sheath 15 provides a covering for the sharp point. The sheath locking means is considered the tapered lumen at 16 which holds the rod. See figures 1-5, 9-13. With respect to the method claim 8, the sheath provides protection to the surgery personnel.

With respect to claim 7, the guide is considered shown figure 8. The device has a receiver at one end and a second end attached to the arm 27 or the holder 18 is attached to the second end. As shown in figure 1 .

The Examiner has interpreted the claim limitation in the broadest interpretation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (571) 272-4966. The examiner can normally be reached on Mon-Fri (first Friday off).

Application/Control Number: 10/697,444
Art Unit: 3763

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LoAn H. Thanh/

LoAn H. Thanh
Primary Examiner
Art Unit 3763

LT



July 31, 2008

U.S. Patent and Trademark Office
Commissioner of Patent and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner of Patent and Trademarks:

I am requesting Standing. My husbands name was Joseph J. Spranza III.

Joe had several patent and patent applications. The specific issue I am presently working on is application # 10/697,444. I believe this is a Continuation in Part to patent # 9,697,463. The Continuation in Part is referred to as Safe Trochar with Guide for Placement of Surgical Drains.

These application needs to be revived and I understand that I need standing in order to do this.

I have enclosed the Court Order signed and given to me by the federal Judge and in this instance referred to as Saf-Trochar, also, a copy of Joe's Death Certificate.

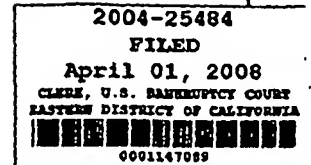
If you need any additional information please advise me as soon as possible, as I am working on the revival paperwork as we write.

Thank you,

Susan Spranza
12493 Old Rough and Ready Hwy
Grass Valley, California 95945

Phone 916/300-1320
Or Phone 530/273-1987

Enclosed 3pages



2
1 Michael F. Burkart, Chapter 7 Trustee
2 5150 Fair Oaks Blvd., #101-185
3 Carmichael, CA 95608
4 Tel: (916) 485-0412
5 E-mail: burkart@cwo.com

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

10 In re:

11 **JOSEPH J. SPRANZA,**

12 Debtor.

Case No. 04-25484-A-7

DCN: MFB - 6

DATE: March 31, 2008

TIME: 9:00 A.M.

DEPT: A

COURTROOM: 28 (7th Floor)

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26
ORDER ON TRUSTEE'S MOTION TO APPROVE A DISTRIBUTION IN KIND
TO THE SOLE REMAINING CREDITOR

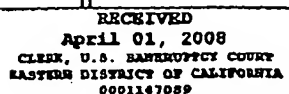
17 The Motion of Michael F. Burkart, being the duly appointed Chapter 7 Trustee (the "Trustee")
18 in the above-captioned case of Joseph J. Spranza (the "Debtor"), requesting an order authorizing the
19 distribution in kind concerning the personal property held under the Bankruptcy Estate, was heard
20 pursuant to this Court's regular Law and Motion calendar on March 31, 2008. The Trustee appeared
21 on his own behalf at the hearing. Other appearances were noted on the record.

21 There was no opposition filed nor argued at the hearing with regard to the Trustee's Motion
22 requesting an authorization of the distribution in kind of the remaining Personal Property.

23 The Court, having duly considered the Trustee's Motion and the Court's file herein, and good
24 cause appearing therefor, ordered as follows:

24 **IT IS HEREBY ORDERED THAT:**

- 25 A. The Trustee's Motion for an order authorizing the distribution in kind concerning the
26 remaining Personal Property held under the Bankruptcy Estate is granted.



1 B. The Trustee is authorized to distribute the remaining Personal Property of the Estate to
2 Susan Spranza as provided under Proof of Claim No. 8, filed on January 24, 2008.

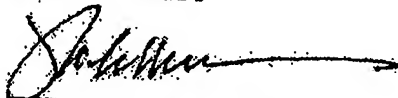
3 C. Immediately upon entry of this order, the following described Personal Property of the
4 Estate shall be distributed in kind to Susan Spranza:

- 5 • Stock ownership in Special Devices, Inc. (SDI)
- 6 • Special Devices owes past due wages
- 7 • Special Devices owes personal loans
- 8 • Misc. Patents:
 - 9 a) Personal patent (promised to be assigned to SDI) - Flexi
 - 10 b) Shared patent (promised to be assigned to SDI) - AFRS, TOB
 - 11 c) Co-owned (licensed to SDI) - Safe Trochar
 - 12 d) 3rd party ownership (licensed to SDI) - Bone Biopsy
 - 13 e) Patent application (to be assigned to SDI) - Trephine
- 14 • 1980 Rolls Royce Camargue
- 15 • Moto Guzzi motorcycle
- 16 • 1957 Alfa Romeo Spider
- 17 • 1980 Maserati Quattro Porte
- 18 • 1991 Chrysler TC
- 19 • Misc. equipment used exclusively by SDI

20 D. The Trustee is authorized to execute any and all documents necessary to complete the
21 distribution of the remaining Personal Property of the Estate.

22 Dated: 01 April, 2008

23 By the Court

24 

25 Michael S. McManus, Chief Judge
26 United States Bankruptcy Court

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

COUNTY OF PLACER

Auburn, California 95603

CERTIFICATE OF DEATH

3200731001533

1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE		3. LAST (Family)	
JOSEPH		JOHN		SPRANZA III	
4. DATE OF BIRTH					
05/28/1938					
5. AGE Yrs. Mths. Ds.					
69					
7. SEX					
M					
8. BIRTH STATE/FOREIGN COUNTRY		9. SOCIAL SECURITY NUMBER		10. EVER IN U.S. ARMED FORCES?	
NJ		456-58-1181		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
11. DECEASED - (Indicate by checkmark) (If not, see instruction on back)		12. DECEASED'S RACE		13. DECEASED'S SEX	
<input type="checkbox"/> DOCTORATE		WHITE		WHITE	
14. USUAL OCCUPATION - (If work for dead or ill, DO NOT USE RETIRED)		15. FORM OF BUSINESS OR INDUSTRY (e.g., primary care, retail, construction, employment agency, etc.)		16. YEARS IN OCCUPATION	
DEVELOPER		MEDICAL INSTRUMENTS		45	
17. DECEDENT'S RESIDENCE (Street and number or PO Box)					
12493 OLD ROUGH AND READY HIGHWAY					
18. CITY		19. COUNTY		20. STATE/FOREIGN COUNTRY	
GRASS VALLEY		NEVADA		CALIFORNIA	
21. INFORMANT'S NAME, RELATIONSHIP		22. INFORMANT'S MAILING ADDRESS (Street and number or PO Box, city, state, ZIP)			
SUSAN SPRANZA, WIFE		12493 OLD ROUGH & READY HWY, GRASS VALLEY, CA 95945			
23. NAME OF SURVIVING SPOUSE - FIRST		24. MIDDLE		25. LAST (Family Name)	
SUSAN		MARGARET		ILGEN	
26. NAME OF FATHER - FIRST		27. MIDDLE		28. LAST	
JOSEPH		JOHN		SPRANZA JR	
29. NAME OF MOTHER - FIRST		30. MIDDLE		31. LAST (Family Name)	
ELIZABETH		DROST		NJ	
32. PLACE OF FINAL DISPOSITION		33. DATE OF DEATH			
UCSF WILLED BODY PROGRAM		07/15/2007			
34. TYPE OF DISPOSITION		35. SIGNATURE OF REGISTRAR			
SU		NOT EMBALMED			
36. NAME OF FINAL DISPOSITION		37. LICENSE NUMBER		38. SIGNATURE OF LOCAL REGISTRAR	
UCSF WILLED BODY PROGRAM		NONE		RICHARD J. BURTON, MD	
39. PLACE OF DEATH		40. DATE OF DEATH			
SUTTER AUBURN FAITH HOSPITAL		07/12/2007			
41. COUNTY		42. CITY		43. STATE	
PLACER		AUBURN		CALIFORNIA	
44. CAUSE OF DEATH					
1. METASTATIC CANCER OF UNKNOWN PRIMARY					
2. RENAL FAILURE, LIVER FAILURE					
3. CT LIVER BIOPSY 06/15/2007					
4. LARS JAKOB JAKOBSEN M.D.					
5. 3111 PROFESSIONAL DRIVE, AUBURN, CA 95603					
6. 08/24/2007					
7. 07/08/2007					
8. 171. PLACER DATE					
9. 172. HOUR (24 hours)					
10. 173. PLACE OF DEATH					
11. 174. SIGNATURE OF CORONER / DEPUTY CORONER					
12. 175. DATE					
13. 176. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER					
14. 177. SIGNATURE OF CORONER / DEPUTY CORONER					
15. 178. DATE					
16. 179. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER					
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72. 235. DATE					
73. 236. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER					
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75. 238. DATE					
76. 239. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER					
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99. 262. DATE					
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The Claims: We claim:

- 9 (new). In the field of Surgery, a surgical trochar suitable for coupling to guide means, comprising :
an elongate rod having a first end which is sharp pointed, and
a second end with tubing attachment means, and wherein
said second end also has indexing means.
- 10 (new). The surgical trochar of Claim 9, wherein said rod is bent such that said first end is at an angle to said second end.
- 11(new). The surgical trochar of Claim 10 wherein said indexing means has an axis perpendicular to linear axis of said second end and coplanar with the plane of said bend.
- 12 (new). The surgical trochar of Claim 11 wherein said indexing means is a groove.
- 13 (new). The surgical trochar of Claim 9 wherein a rigid sheath is locked onto said first end, thereby protectively covering said sharp point.
- 14 (new). The surgical trochar of Claim 13, wherein said sheath has releasable locking means of attachment to trochar rod.
- 15(new). The surgical trochar of Claim 14 wherein said releasable locking means is a planar element with a hole into which locks said trochar rod.
- 16(new). The surgical trochar of Claim 13, wherein said sheath is substantially cylindrical, with index means relative to axis of rotation about linear axis.
- 17(new). The surgical trochar of Claim 13 wherein said sheath has locking means for attachment to guide means.
- 18(new) A guide for installing a surgical trochar comprising:

a first end having receiver means for said surgical trochar, a second end having holder means for securing thereto said surgical trochar in all degrees of freedom, and;

connecting means wherein said first end and said second end are guided in continuous mutual alignment such that the sharp end of said trochar will follow a specified line from within said first end to a point distal from first end and then back again into the first end when said guide is actuated.

- 19(new). The guide of Claim 18 wherein said receiver means is positioned to support tissue while being pierced by trochar.
- 20(new). The guide of Claim 18 wherein said receiver means has pivot means such that said surgical trochar may be angled, thereby providing optimal handle leverage for pulling said trochar and tubing through tissue.
- 21(new). The guide of Claim 18 wherein said holder means has a plurality of articulated elements suitable for accepting said surgical trochar between them when in an open attitude and alternately forcing the trochar into a predetermined aligned position with said receiver means when in a closed attitude, and wherein holder means is suitably strong so as to hold trochar against forces required for piercing tissue.
- 22(new). The guide of Claim 18 wherein said receiver means and said holder means are conjoined by telescoping connecting means.
- 23(new). The guide of Claim 22 wherein said telescoping alignment means has a controlling means over said telescoping means, which controlling means provides priority to receiver means over holder means.
- 24(new). The guide of Claim 18 wherein said surgical trochar is releasable from said holder means if and only if trochar point is inside of said receiving means.

25(new). The guide of Claim 18 wherein said surgical trochar is unlockable from said receiver means one time only, following which first time, complete removal of surgical trochar from said guide is required, whereby the combination of trochar and guide provide quick, simple hardware for insertion of surgical drains with only one hand required, while fingers are a safe distance away from insertion and exit location of sharp point of trochar and further, whereby a trochar may not be used two times in succession.

26(new). In the area of surgery a method for installing surgical drain tubing, comprising the steps of:

providing

a surgical trochar comprising :

an elongate rod having a first end with a sharp point,
a second end with tubing attachment means, and
wherein said second end also has indexing means, and
further where

said first end has a protective sheath, and

a guide for installing said surgical trochar, comprising:

a first end with receiver means for the surgical trochar,
and a second end with holder means for securing the
surgical trochar in all degrees of freedom, and
connecting means wherein;

said first end and said second end are guided in
continuous mutual alignment such that sharp end of
said trochar will follow a specified line from within
said first end to a point distal from first end and then
back again into the first end when said guide is
actuated.

inserting said first end of surgical trochar into said receiver means of said guide and installing said second end of surgical trochar into said holder means of said guide and,
actuating said connecting means such that trochar sharp point is available and further,
placing sharp point of trochar at desired point of entry into tissue and placing receiver means over location of desired exit of trochar from tissue and then reversing actuation of connecting means, thus piercing tissue, and further,
releasing holder means, thus causing receiver means to pivot such that guide assumes an angle suitable for pulling surgical trochar and tubing through tissue, and,
pulling guide so as to advance trochar and tubing the desired distance through tissue, and,
cutting drain tubing, and lastly,
rotating guide further, such that receiving means releases surgical trochar with protective sheath, for disposal,
thereby to install surgical drain tubing, quickly easily and without the need to place fingers near trochar sharp point and further without the need to use additional instruments to pull trochar through tissue, and yet further to use only one hand and still further to ensure that trochar is used only one time.

EXHIBIT I



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOSEPH J. SPRANZA
12493 OLD ROUGH AND READY HWY.
GRASS VALLEY CA 95945

COPY MAILED

DEC 16 2008

OFFICE OF PETITIONS

In re Application of :
Joseph J. Spranza et al :
Application No. 10/697,444 : **ON PETITION**
Filed: October 29, 2003 :
Attorney Docket No. SAFE TROCHAR WITH :
GUIDE FOR PLACEMENT OF SURGICAL :
DRAINS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the nonfinal rejection mailed on July 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1 and 3).

As to item (1):

The copy of the response submitted with the instant petition is not appropriate because it is **not signed**. Also, the copy of the receipt submitted with the petition is not itemized to show that a response to the nonfinal rejection mailed July 9, 2007 was received by the U.S.P.T.O. for the above identified application. Further, no evidence is provided on the receipt to be associated with the above identified application.

As to item (2):

The petition is not considered to contain a proper statement of unintentional delay since the petition is signed by only one inventor (in this instance Widow of Joseph John Spranza III). In accordance with 37 CFR 1.33(b)(4), all inventors must sign. Therefore, the signature of inventor Robert S. Namba is also required.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Application No. 10/697,444

-3-

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in black ink that reads "Karen Creasy". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Karen Creasy
Petitions Examiner
Office of Petitions

EXHIBIT J

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/697,444
	Filing Date	10.29.03
	First Named Inventor	Joseph J. Spranza
	Title	Safe trochar with guide for placement
	Art Unit	3763
	Examiner Name	Christopher Koharski
	Attorney Docket Number	SDEV-1-1003

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

25315

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT K

W6/TW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/697,444	10/29/2003	Joseph J. Spranza	SDEV-1-1003

CONFIRMATION NO. 7974

25315
BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

RECEIVED

FEB 19 2009

POA ACCEPTANCE LETTER



Date Mailed: 02/17/2009

Black Lowe & Graham PLLC

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ureshi/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101